

Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 IOE-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 COME-00 EB-08 LAB-04 SIL-01
DHA-02 OIC-02 /070 W
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C O N F I D E N T I A L GENEVA 1412

PASS LABOR AND COMMERCE

E.O. 11652: GDS
TAGS: ILO
SUBJECT: ILO - STANDING ORDERS COMMITTEE ACCEPTS US PROPOSAL
TO AMEND ARTICLE 17

REF: (A) STATE 34974; (B) STATE 41172

1. SUMMARY: AFTER SEVERAL HOURS OF DEBATE, COMMITTEE
ACCEPTED BY MAJORITY CONSENSUS (WITH OPPOSITION EXPRESSED
BY GOVT REPS OF USSR, HUNGARY AND CUBA) USG PROPOSAL TO
AMEND ARTICLE 17, INCLUDING CHANGES (REFTEL A) WHICH
USDEL INSERTED INTO DRAFT TEXT DURING DISCUSSION.
SOLID SUPPORT FROM WORKER AND EMPLOYER DEMARCHE IN HOME
CAPITALS AND STRONG LOBBYING EFFORTS BY USDEL) CARRIED
PROPOSAL FORWARD DESPITE TACTICS OF DELAY AND OPPOSITION
USED BY EASTERN EUROPEANS. END SUMMARY.

2. MORNING OF FEB. 25, MORGENSTERN, ASST. LEGAL
ADVISER, PROVIDED BACKGROUND OF CONSIDERATION OF
ARTICLE 17 SINCE 1974 SESSION OF ILO CONFERENCE. SHED
MENTIONED THAT COMMITTEE HAD BEFORE IT ARTICLE 17
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QUESTION AS RESULT OF NOVEMBER GOVERNING BODY (GB).
GOVT REPS OF HUNGARY, SOVIET UNION AND CUBA TOOK LEAD
IN SUGGESTING THAT IT WAS INAPPROPRIATE TO DEAL WITH
ISSUE OUTSIDE OF CONTEXT OF WORKING PARTY ON STRUCTURE
(WPS); THEY RECOMMENDED THAT ART. 17 NOT BE DEALT WITH
UNTIL THERE IS A FINAL REPORT ON STRUCTURE BEFORE
ANNUAL CONFERENCE. OTHERWISE, ISSUE WOULD PREJUDICE

FOR FUTURE CONSIDERATION. THEY ALSO CLAIMED THAT PROCEDURE AT LAST GB WHEREBY ISSUE WAS PLACED ON AGENDA OF COMMITTEE WAS IMPROPER BECAUSE THERE WAS NOT ENOUGH TIME TO REALIZE WHAT WAS BEING DONE. SPOKESMEN FOR WORKERS (MEIER, AUSTRIA) AND EMPLOYERS (VITAIC, ARGENTINA) SUPPORTED DEALING WITH QUESTION AS BEING REQUIRED BY GB DECISION IN NOVEMBER, AND USING US REVISED TEXT AS BASIS FOR CONSIDERATION. GOVT REPS OF CANADA, IRAN, FRANCE, GUINEA, JAPAN, FRG, AUSTRALIA, AND UK SPOKE IN FAVOR OF NEED FOR OBJECTIVE CRITERIA BEING IN FORCE. IN INTERESTING COMMENT, PLANT (WOKER, UK) SAID THAT TUC HAD WRITTEN DIRECTOR GENERAL REQUESTING THAT RESOLUTIONS COMMITTEE BE ABOLISHED. HE SAID THAT "IF WE ARE GOING TO PRESERVE THE ILO, WE HAVE TO PREVENT RESOLUTIONS WHICH HIT THE NEWSPAPER HEADLINES BUT WHICH DO NOTHING FOR THE WORKERS OF THE WORLD."

3. AT BEGINNING OF AFTERNOON SESSION, DISCUSSION FOCUSED ON HOW TO PROCEED WITH CONSIDERATION OF US PROPOSAL IN LIGHT OF OTHER PROPOSALS FROM G-77 AND EASTERN EUROPEAN COUNTRIES CONTAINED IN DOCUMENT. CHAIRMAN SUGGESTED US PROPOSAL MEMBERS FREE TO INTERJECT COMMENTS OR MAKE SUGGESTIONS BASED ON OTHER PROPOSALS. BEFORE STARTING, GOVT REPS OF USSR, HUNGARY AND CUBA EXPRESSED OPPOSITION TO US PROPOSAL BUT SAID THEY WOULD NOT PARTICIPATE IN DEBATE, INSTEAD MAKING THEIR OBJECTIONS KNOWN AT THE END. ONLY OTHER INTERVENTION WAS FROM GOVT REP OF RI LANKA (BRECKINRIDGE) WHO ASKED THAT ALL OF ARTICLE 17 AND NOT JUST FIRST PARAGRAPHS AS COVERED

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BY US PROPOSAL, BE DISCUSSED. HE ALSO ASKED THAT PROPOSALS MADE BE EXPLAINED BY THEIR PROPONENTS.

4. IN RESPONSE TO GOVT REP SRI LANKA. USDEL THEN MADE OVERALL PRESENTATION OF RATIONALE FOR US PROPOSAL, REFERRING TO PROBLEMS CAUSED NOT ONLY RESOLUTIONS COMMITTEE BUT ALSO ILO AS WHOLE BY RESOLUTIONS DEALING WITH EXTRANEIOUS MATTERS. HE SAID WORD "CONDEMN" WAS INTENDED TO BE USED TO MEAN "RESOLUTIONS WHICH ARE CONDEMENTAORY OR CRITICAL IN INTENT." IN RESPONSE TO LATER QUESTION FROM SRI LANKA ABOUT MEANING OF "CONDEMN," USDEL SUCCEEDED IN HAVING HIS CLARIFICATION INSERTED INTO TEXT OF US PROPOSAL. USDEL ALSO HAD "BY NAME" DELETED FROM PARAS 3(A) AND (B) (THIS WAS SUPPORTED BY UK GOVT REP HESS). WHEN PARA 5 OF US TEXT WAS DISCUSSED, USDEL ASKED THAT SAME CRITERIA OF PARA 3 (A) AND (B) BE USED, AND THIS CHANGE WAS MADE IN TEXT.

5. THROUGHOUT DEBATE, EFFORTS WERE MADE TO HAVE OTHER

PROPOSALS CONSIDERED, BUT THERE WAS REJECTED BY EMPLOYER AND WORKER REPS, WHO SUPPORTED CHAIRMAN'S DECISION THAT ANY COMMENTS SHOULD BE FOCUSED ON US PROPOSAL. WORKER REP WAS EXTREMELY OUTSPOKEN IN OPPOSING YUGOSLAV PROPOSAL THAT SCREENING MECHANISM OPERATE ONLY BY UNANIMOUS VOTE. WHICH PLANT STATED WAS UNDEMOCRATIC.

AFTER COMMITTEE ADOPTED US PROPOSAL, USSR REP COMMENTED ON AMOUNT OF REFERENCE MADE IN OTHER COMMITTEES OF ILO TO IMPORTANCE OF HUMAN RIGHTS AND SAID USSR OPPOSED US PROPOSAL, CONSIDERING IT A BACKWARD STEP FOR THE ILO. USSR STATED THIS MECHANISM WOULD DEPRIVE WORKERS OF THEIR HUMAN RIGHTS SINCE IT WOULD PREVENT DELEGATES TO CONFERENCE FROM SUBMITTING RESOLUTIONS ON ISSUES OF CONCERN TO THEM. HUNGARIAN GOVT REP SUPPORTED USSR. USDEL HOROWITZ MADE STRONG REBUTTAL, STATING HE WAS CERTAIN THAT REST OF COMMITTEE MEMBERS

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KNEW THAT CONCERN WITH HUMAN RIGHTS IS NOT RECENT CONCERN OF ILO SINCE THIS WAS SUBJECT WHICH ILO HAS DEALT WITH SINCE IT WAS FOUNDED. USDEL ADDED THAT TO USE "HUMAN RIGHTS" IN THE SENSE THAT USSR REP HAD ATTEMPTED (I.E. TO MEAN THAT A DELEGATE HAD THE RIGHT TO INTRODUCE INTO CONFERENCE, RESOLUTION CONDEMNING MEMBER WITHOUT PRIOR INVESTIGATION OR WITHOUT RELEVANCE TO ILO'S BASIC FUNCTION) WAS TO MAKE A MOCKERY OF THE PHRASE "HUMAN RIGHTS". HE ADDED THAT HE WAS SURE OTHER MEMBERS OF THE COMMITTEE KNEW WHAT HUMAN RIGHTS MEANT. AFTER SOME ADDITIONAL SKIRMISHING BY USSR, WHICH ATTEMPTED TO RE-OPEN WHOLE DISCUSSION OF US PROPOSAL, COMMITTEE ACCEPTED WITHOUT NOTE TEXT WITH CHANGES PROPOSED BY USDEL.

6. COMMENT: REPORT NOW GOES TO GOVERNING BODY WHERE MORE OPPOSITION MAY DEVELOP AMONG GOVT REPS. HOWEVER, IF WORKER AND EMPLOYER GROUPS STAY SOLID, THEIR SUPPORT PLUS IMEC GOVT REPS MAY ENABLE REPORT TO BE FORWARDED FOR CONSIDERATION IN CONFERENCE IN JUNE. CATTO

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